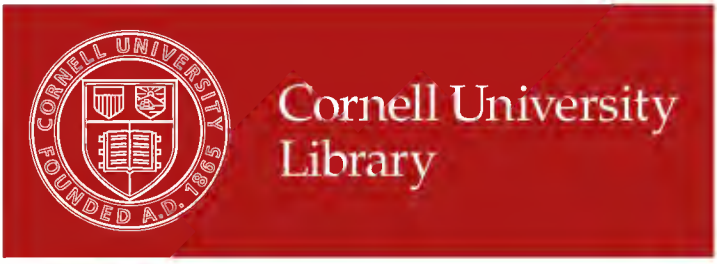

ATROCITIES OF JUSTICE UNDER BRITISH RULE IN EGYPT

BY

WILFRID SCAWEN BLUNT

SECOND EDITION

WITH A NEW PREFACE

T. FISHER UNWIN

ADELPHI TERRACE

LONDON

1907

First Edition, 1906
Second Edition, 1907

PREFACE TO THE SECOND EDITION

In issuing a new edition of this pamphlet—the first having been sold out—a few words are necessary.

Although three months have elapsed since the pamphlet's first appearance—months during which its contents, translated into Arabic by the local Press in Egypt, have been passionately discussed, and not in Egypt only, but in India, and also in a minor degree everywhere where British rule in the East prevails and the good name of English justice is a vital issue—no attempt has been made, officially or unofficially, to controvert the facts of which it is a record. All that has been ventured in the way of answer has been to impute a lack of patriotism to its author in that he has laid too bare unwelcome truths, and, as the *Times* has put it, "discredited" British administration by exposing its irregularities. A silence so marked in the face of grave accusations publicly brought forward is the pamphlet's best justification.

Meanwhile, in regard to the latest and gravest of the scandals recorded, that of Denshawai, the false pretexts put forward by the Home Government have had little by little to be abandoned. The excuse of "fanatical unrest," solemnly pleaded by Sir Edward Grey in July as a reason with members of Parliament for foregoing public criticism, became in August one of "political unrest," and in

November was discarded by him altogether, the protest raised in Egypt against its validity having become in the meanwhile overwhelming. So, too, the pretence of legality in the trial has been gradually shifted to that of military necessity, if not by Sir Edward Grey, at least by his supporters in the English Press. As early as the 14th of October the Cairo correspondent of the *Daily Telegraph*, after a tour in the Delta, wrote as follows :—

"The bogey of 'unrest in Egypt' is, I trust, buried. . . . I grant that in the neighbourhood of Tantah there is much bitter feeling, a feeling that one can well understand in view of the Denshawai deplorable business. Britishers here have a particular and proper pride in supporting whatever action may be taken by the British authorities, and yet I have up to the present not met a single Englishman whose business keeps him in constant contact with the true fellaheen who has not deplored the reprisals taken by us at Denshawai. But this is apart from the important and insistent question, 'Is there unrest in Egypt?' Again I say there is no foundation for the assertion that there is unrest."

Nevertheless, in spite of its admissions, our Government has done nothing at all to atone for its agent's great mistake. Lord Cromer has returned to Egypt without a word of official reproof; his subordinates have neither been dismissed nor censured. No promise has been given of a repeal of the abominable decree of 1895, nor any engagement taken that like judicial atrocities shall not on like occasions be repeated. Worst of all, the villagers condemned by the mock tribunal of Shibin-el-Kom are still undergoing their sentences of hard labour, unrelieved by prospect of release. Among them, be it noted, is the husband of the peasant woman wounded by the officer's gun fired in the pigeon-shooting raid! With regard to this unfortunate man, on the 29th of November last Sir

Edward Grey, in reply to a question asked in Parliament, declined to instruct Lord Cromer to make representations in favour of the remission of his sentence—*a life sentence*—or release from imprisonment.

This refusal of all redress or justice, though the truth is known to Sir Edward Grey, is the best justification of the second edition of the pamphlet.

W. S. B.

December 26, 1906.

ATROCITIES OF JUSTICE

UNDER BRITISH RULE IN EGYPT

If British rule in the East has any moral meaning it is connected with legality—the introduction of that equal justice before the law which is the boast of all civilisation.

When we first occupied Egypt it was with the cry of "Justice" on our lips. Sir Edward Malet, our then Consul-General, was never tired of demanding it as the most urgent of all reforms, and the very last words he uttered publicly at Cairo in his official capacity were "Justice! Justice!" How then has it come about that, after twenty-four years of what has been, all but in name, British rule in Egypt, so great a scandal should have arisen as that exhibited by the recent trial and execution of the villagers of Denshawai for an affray which had arisen between them and certain English officers of the Army of Occupation by a legal process hardly differing at all from martial law, and where the rules of equity as between man and man have been set ostentatiously at defiance?

My object in writing these pages is to try and trace the history of cases of the kind as they have happened within my recollection in Egypt, and in this way to show the essentially inequitable basis on which the criminal relations between Englishman and native, especially between English officer and

Egyptian fellah, have been made to stand, as often as it has been thought advisable on political grounds to uphold the former and punish the latter. Four years ago I addressed Lord Lansdowne, then at the Foreign Office, on the subject, showing how a recent case of the kind had been hushed up, and how the truth regarding it had been disguised by our diplomacy at Cairo, and my memoir was referred by him to Lord Cromer, who, while unable to deny—for I had given documentary proof—that the case had been falsely reported, and, as such, presented to the House of Commons, nevertheless indignantly denied that any legal inequity or irregularity existed. His words deserve attention at the present moment, when the abnormal action of the law, which it is impossible any longer to deny, is excused on grounds or political necessity in view of an alleged "fanatical unrest" creating danger in Egypt. Lord Cromer, in an official but unpublished despatch or March 21, 1902, addressed to Lord Lansdowne, and forwarded to me officially by the Foreign Office, says: "I must, in justice to the General [in command of the British garrison] and to the Egyptian judicial authorities, give a positive denial to the following remarks, which are contained in Mr. Blunt's memorandum. 'When the English General of the Army of Occupation in Egypt chooses to insist,' Mr. Blunt says, '*the Egyptian authorities are either powerless to resist, or lend themselves too readily to measures of undue severity* on natives with whom English officers have come into collision.' I need hardly say that there is not the smallest foundation for this insulting statement."

The indignation thus expressed four years ago reads strangely to-day, when my very moderate statement of an already notorious fact stands reinforced by the hangings, floggings, and sentences of penal servitude we have just witnessed; when the Egyptian authorities have lent themselves, before the whole

world, to savage severities inflicted by a special tribunal insisted on by the English General in command; when, in a case which was hardly one of manslaughter, we find it described as "brutal and premeditated murder" in an official report presented to Parliament; and when, finally, Lord Cromer himself entirely approves the whole of the proceedings, including the sentences, as "just and necessary."

I feel myself, therefore, more than entitled—indeed, compelled by public duty—to renew my protest against a state of things become intolerable. It is the more necessary because in the present instance our Government has openly connived at a concealment of the truth, using, more unscrupulously than is usual, the tricks and subterfuges resorted to by all Governments to prevent a discussion of the case in Parliament. The Denshawai case, when it was first sought to bring it forward in the House of Commons, was set aside by an appeal made by Sir Edward Grey to English patriotism, so earnest and so emphatically pronounced as to seal the lips of members, accompanied with a promise of full information. Excuses were next made for delay in publishing, and, though all the essential documents had a month before been published in Egypt, *the Blue Book was not presented to Parliament till the last week of the Session.* Even then the full information promised was not vouchsafed. The facts of the case, it was found, had been carefully concealed. *Not a single syllable of the evidence given at the trial—not even that of the officers—was printed,* although the excuse for the delay had been precisely the lengthy character of that evidence, and though reports of it had appeared in all the Egyptian papers. In its place was given a childish presentment of the evidence embodied in the text of the Judgment of the court—a self-contradictory, truculent, and absurd document, such as has seldom, if ever, issued from a tribunal in any country pretending to be

civilised. Nor was the case less prejudiced by the fact that Lord Cromer—who had ordered the trial, and who, there is reason to believe, *had decided on the aeath sentences before the trial began*—instead of being required to explain his own share in a matter so compromising, appears in the Blue Book in the character of impartial critic and adviser of the Government, approving the abnormal procedure adopted, and giving testimonials of humanity to the English officials—men less blameworthy than himself—who had been acting under his orders.

This, I repeat, is a scandal so great and an offence against human right so cynical that I am compelled to renew my charges and to insist on further inquiry. I have it in my power, I believe, to make publicly known the true circumstances, not only of this but of other kindred cases, proving that the Denshawai miscarriage of justice is no exceptional error of judgment, but part of a system under which every principle of civilised law has been for years past made subservient to what has been considered political advantage. It is not too much to say that Lord Cromer, great as are his merits as an administrator and an economist, and in spite of his initial services to judicial reform in Egypt twenty years ago, has of late years so dominated justice there that in political cases there is no Native Court, not even the Court of Criminal Appeal at Cairo, that has the smallest independence. The judgment delivered at Shibin-el-Kom would be alone a proof of this. I am resolved, therefore, that this condition of things shall no longer pass in the silence imposed on it by Sir Edward Grey, believing as I do that publicity, at whatever cost to patriotic pride, is the only safeguard against evils which, if continued, must end in disgrace and ruin to the English name.

I publish this pamphlet as an appeal to my own countrymen in English. But I am also resolved, if necessary, to go further. If I find the case not taken up in Parliament this autumn in

such a way as to oblige Sir Edward Grey to express his disapproval of the injustice done; if nobody in Egypt is called to account for an act of terror of which either our officials there or Lord Cromer have certainly been guilty; if the villagers still undergoing unjust imprisonment are not released; if the infamous Decree of 1895 is not revoked and the relations between the English Army of Occupation and the Egyptians are not put on a civilised footing, then I shall appeal, beyond the sense of justice in my own countrymen to a larger body of opinion. *I intend to have this pamphlet published in French*, so that our wrongdoing may be patent to all the world; so that the French Generals who smarted seven years ago under the lash of our English indignation when they irregularly condemned Dreyfus may know that we too have officials, military and civil, whose ideas of legality are no higher than were then their own; so that the King of the Belgians may know that not only on the Congo is the common protection of law against the violence of soldiers denied to natives; that the Czar may know that the hangings of innocent men in Russia have their counterpart in the judgments of tribunals presided over by English judges. Still more, and perhaps with more effect, *I shall have this pamphlet translated into Arabic*, so that every Egyptian may understand, and all the Eastern world, that British justice, so long vaunted among us, has become a vain and unmeaning word, and that England has publicly renounced her sole title to their regard, an unswerving adherence to equity before the law, and with it the whole of the mission of civilisation of which she has made boast. I have the power to do this not in Egypt only, but in India and throughout the East, where my words will have weight, however little power may be mine in England; and, for the sake of the brotherhood of man with man, I shall not hesitate in this sense to persuade and to warn.

Sir Edward Grey has said that the British Empire cannot be carried on if the doubtful acts of its officials abroad are to be criticised at home and their injustices denounced. It is a grave saying and one which, if true, would lead to but a single conclusion. If of a truth the deeds of our officials cannot bear the light, if they are indeed deeds of darkness, then the British Empire, which exists, Sir Edward Grey tells us, by the world's ignorance of these things, deserves to go the way of other Empires where justice has been flouted and the common right of humanity denied. It were best, then, to paraphrase Mr. Gladstone's well-known utterance about India thirty years ago, that the British Empire with all its crimes upon its head should "perish."

Early Cases. Lord Charles Beresford at Alexandria.

On *Sunday*, the 11th of July, 1882, Sir Beauchamp Seymour (afterwards Lord Alcester), commanding the British fleet in Egyptian waters, bombarded Alexandria. England was at peace with Egypt, and the pretext put forward was that the British fleet was in danger from the guns of the Alexandrian forts occupied by the Egyptian army, and a demand had been made that these should be evacuated. As the evacuation, though the forts were for the most part destroyed, was not complete, the bombardment was renewed on the 12th, and in the afternoon the city was found to be on fire. This was partly the work of Sir B. Seymour's shell fire, partly of pillagers, Bedouins and roughs, who, profiting by the confusion, spread the conflagration. The Egyptian army the same evening, July 12th, evacuated the place, and, a large number of the inhabitants having fled with them, Alexandria was left to its fate.

On the 13th English sailors from the fleet were landed to deal with the conflagration. There was still no acknowledged state of war, but on their first landing, civilian natives found in the streets were shot down and run through almost indiscriminately. I remember being told by one acquainted with the facts in 1887: "The new town is built on the graves of the Arabs. The British public does not know to this day how many of them our men killed when they landed. They were shot down and speared as they lay." But in a few days some semblance of order replaced the first barbarities. The Khedive, who had ordered the defence of the forts against the fleet, seeing his army beaten, had placed himself under the protection of Sir Beauchamp Seymour, and Lord Charles Beresford was entrusted (July 15th) with the task of policing the city, and acted in His Highness's name. Martial law was then established, and under it natives found under suspicious circumstances were freely arrested, summarily tried and executed on charges of murder, theft, arson, and the rest. Some of these probably deserved their punishment, but many more were as probably innocent, the ordinary forms of law being dispensed with, and those who gave judgment being ignorant of the language, customs, and legal codes of the country. It is calculated that several hundreds were thus dealt with. But no detail has ever been published, nor is there probably in existence any true record. The London *Standard* of July 17th publishes the following telegram from its correspondent at Alexandria, which shows the pressure put at the very outset on the Egyptian Government in the direction of severity: "*All action is taken in the name of the Khedive.* At first the latter refused to sanction the order for the shooting and flogging of incendiaries, and required time to consult his advisers. Major Tulloch, however, who was the bearer of the document for signature, instantly turned to repair to the

Admiral to report, when the Khedive at once sent after him and gave him the sanction required."

On the 18th of July a first contingent of the British army arrived at Alexandria under General Alison, and was landed and encamped at Ramleh, a suburb of the city. The Khedive then was encouraged to form a new Government with such few Turkish and Circassian Pashas as had with him deserted the National cause, and the administration of justice with the policing of the city was entrusted to these, British officers assisting the Khedivial police, and British soldiers enforcing their judgments. The new *régime*, however, which we find established in August, proved to be even worse for the natives, if possible, than the other, as in addition to the arbitrary character of the decisions arrived at by Lord Charles Beresford's drumhead courts martial, sentences of a peculiarly barbarous and vindictive character, unknown to modern English practice even in war-time, were now imposed, especially in cases affecting captured rebels, by the Khedive's men. Among these were torture in prison, the thumbscrew, the kurbash, the bastinado, and, in one instance, the keel-hauling of three prisoners of war, most of the modes of torture being fully proved afterwards, though at the time denied.

Two instances may be specially cited belonging to this period, as connected with crimes and offences committed against Englishmen and pushed forward by English insistence. The first is the case of the arrest and trial of one Atieh Hassan, a native carter, accused of murdering Mr. Dobson and Mr. Richardson on the 11th of June—that is to say, a full month before the bombardment of Alexandria—avowedly as an act of vengeance for the death of Englishmen and quite unconnected with the actual maintenance of order. The man was arrested by English order, and tried by an English court

martial and sentenced to be shot, but having been handed over to the Khedivial authorities the punishment was changed to hanging, and to being left to hang from sunrise to sunset in the quarter he inhabited, with a placard affixed to his breast in English and in Arabic, stating the crime for which he had been condemned to death. Colonel Cleland, chief of the new police, superintended the execution, with two half companies of the 96th Regiment, and three companies of the 95th, drawn up in open square surrounding the gallows, the execution being carried into effect by the Egyptian police. The case is worth attention, not from any special barbarity in the carrying out of the sentence, although some extra cruelty is noticed in the published accounts of the execution, but because it exemplifies what has since often happened—the use of English military power in Egypt to punish natives for crimes against Englishmen, according to military ideas of law, and by irregular means. The crime, if really committed by the man, had been committed at a time when the ordinary criminal courts were open for his punishment, and his judgment now by court martial, where no proper safeguards existed for the defence of the accused, was not justice, but the lawless seizing of an opportunity of getting blood at any cost for blood. That it was a case of vengeance, not of justice, is shown by the local English newspaper accounts of the day, where the only regret expressed is at the long delay since the crime was committed. "So many horrors and miseries," writes one of them, "have happened since that day, that men's hearts are broken and crushed to such an extent that even revenge has lost some of its sweetness."

A second case of about the same date exemplifies the astonishing disproportion between offence and punishment shown in cases where Englishmen were concerned. It is that of an Englishman who, driving through the streets of

Alexandria, accidentally ran over an Arab. A small crowd collected and a native seized the horses' heads, but without violence being used towards the Englishman. The man who had seized the horses' heads was arrested by soldiers and accused before a Native Court of having dragged the Englishman from his carriage, although the latter gave no evidence to that effect, admitting indeed that the native was wrongfully accused. Nevertheless, a sentence of four dozen stripes and fifteen years' hard labour was imposed. This case was never, that I know, officially inquired into, though the barbarous condition of things was recognised shortly after by our Government.

I was myself instrumental in getting the worst features connected with these punishments forbidden at the time, notably the keel-hauling and the thumbscrew, though the latter continued to be used secretly in the prisons until the full official exposure of the practice of prison torture by Messrs. Chermside and Beaman (*see* Blue Book, Egypt, No. 5, 1883). My intervention came about in this way. Seeing the report of some of these tortures having been inflicted on certain political prisoners and prisoners of war a few days before the battle of Tel-el-Kebir, I wrote to Downing Street and laid the matter personally before Mr. Gladstone, asking him whether it was to re-establish such atrocities of vengeance as were being indulged in at Alexandria that he had sent British troops to Egypt. My letter brought a prompt and important answer, which may here be quoted as bearing upon abuses which have lately been renewed. Sir Edward Hamilton, Mr. Gladstone's private secretary, wrote as follows :—

"10, DOWNING STREET,
"*Sept.* 8, 1882.

"I need hardly say that Mr. Gladstone has been much exercised in his mind at the rumours about these 'atrocities';

I can call them by no other name. Immediate instructions were sent out to inquire into the truth of them, and to remonstrate strongly if they were confirmed. I am glad to say that as far as our information at present goes the statements appear to be unfounded [they afterwards turned out to be for the most part true]. The strictest orders have been given for the humane treatment of the prisoners. There seems to be some doubt as to whether thumbscrewing was not inflicted on a spy in one case, and searching inquiries are to be instituted, with peremptory demands of explanation and guarantees against recurrence. *You may be quite sure that Mr. Gladstone will denounce 'Egyptian atrocities' as strongly as 'Bulgarian atrocities.'*" [1]

It was the possession of this written promise given to me by the Prime Minister that enabled me a few days later to intervene with effect when it was proposed to hand over Arabi and the other National leaders after the defeat of Tel-el-Kebir unconditionally into the hands of their political enemies and so, public opinion in England aiding me, eventually to save their lives.

Nevertheless, although we were able to prevent the great judicial crime intended of having the Nationalist leaders hanged by the Khedive, and although we were promised, when their trial was compromised by Lord Dufferin, that there should be a general political amnesty, and although the talk of a reform of justice in Egypt was loud on official lips, especially Sir Edward Malet's, it was not long before precisely the same methods were resorted to at Cairo of obtaining vindictive punishments on natives who had come into collision with Englishmen, through the joint instrumentality of English martial law and the subservient savagery of the

[1] NOTE.—The italics throughout are mine.—W. S. B.

Khedivial Courts. A notable instance of this was the case of the prosecution connected with Professor Palmer's death.

The Palmer Case.

It will be remembered that Professor Palmer, a distinguished Arabic scholar holding the chair of Arabic at Cambridge, had been entrusted during the war by Lord Northbrook, then at the Admiralty, with a secret mission to the Bedouins east of the Suez Canal, and with a large sum of public money, £20,000, wherewith to purchase their assistance against the Cairo Government. It being war-time, in all except the technical distinction put forward by our Government between war and military operations, and a fact that Professor Palmer and his two military and naval companions were travelling with £3,000 of this money in disguise, the character of the three Englishmen had been clearly that of spies, and their death one not of common crime, but political and covered by the promised amnesty. This, however, did not prevent a vengeance being insisted upon. The form of it we find once again to be that of military law covered thinly with a semblance or Egyptian legality.

In order to obtain the result of vengeance, Lieutenant-Colonel Warren was sent to the desert where the Englishmen had been killed, accompanied by a sufficient military force and by Bedouins furnished him by the Khedivial Government, and having arrived at the spot he proceeded to make wholesale arrests of such Bedouins, men, women, and children, as he found within the district. These he took back with him and lodged in gaol in Suez, and proceeded to construct a case against the men which should justify the capital punishment of five of them, for the three Englishmen who had lost their lives. He effected his purpose of selection by entirely irregular

methods. Assuming a friendly guise towards his prisoners, he made them sit beside him for several days in succession, supplying them with coffee and cigarettes, and out of their conversation thus invited, and translated to him by a dragoman, for he knew no word of Arabic, drew up a report as evidence incriminating the number required. They were then sent to Zagazig to undergo the formality of a trial before a Native Court, which sentenced them to death, and they were thereupon hanged. The vengeance, however, did not altogether end here. Six months later, as I passed through Suez, I found a number of the Bedouins with women and children collected by Warren still detained in prison in connection with this affair, though charged with no crime. I laid their case before Sir Benson Maxwell, the then judicial adviser in Egypt, as also before Mr. Gladstone, and so procured their release. It was from Mr. West, our then Consul at Suez, that I learned the particulars of Colonel Warren's method. Sir Benson Maxwell expressed himself as indignant at the women's case.

Other scandalous cases of the miscarriage of justice with English connivance about the same time—the early half of 1883—were the hangings of Abu Dia at Tantah and of Suliman Sami at Alexandria, both of them judicial murders for political reasons. But, as in neither case was there any direct action of the English Agency that can be traced in pushing forward the prosecutions, I pass over them with a reference only to the fact that in both instances the English Government was politically interested in the guilt of the accused being proved. Abu Dia, an officer of Arabi's army, had, during the first days of the war of 1882, intervened at Tantah to save the lives of Christians who were being massacred with the connivance of the civil governor, a partisan of the Khedive's; and Suliman Sami was the officer who, in command of the regular troops, had stopped the riot

at Alexandria on June 11th. Both these riots the English Government had asserted had been instigated by the Arabists, and they had made a pretext of them, in a very public manner, especially through Lord Dufferin at the Constantinople Conference, for armed intervention. The prosecution of Suliman Sami was moreover of political use to them, inasmuch as it was instituted on a charge of his having fired Alexandria during the bombardment, for his conviction would relieve them by so much of their own responsibility for the burning of that city. The hanging of Suliman Sami became the subject of an indictment of Mr. Gladstone's Government by Lord Randolph Churchill for its misdoings in Egypt, and it was, I think, the last judicial murder, for an English political purpose, that was permitted in that country under Mr. Gladstone's administration.

The Quail-shooting Case at Ghizeh.

With the accession of Lord Salisbury to power in 1886, the failure of the Drummond Wolff mission and the establishment of Lord Cromer in full authority at Cairo, an era of reforms was commenced, and, amongst others, a reform of the Law Courts, with a gradual improvement of justice as between native and native—a period to which Lord Cromer refers in the Denshawai Blue Book. Nevertheless, what he does not refer to is that at the very outset there occurred a case of extreme barbarity, and of recurrence to martial law in dealing with a criminal charge affecting the relations between native Egyptians and the Army of Occupation, one in which no semblance of legality was observed or even pretence of reference to civilised law. This was the case of the quail-shooting affray in the district of Ghizeh. The facts, as related by the newspapers of the day, and confirmed by what I learned later of it by personal inquiries on the spot, are these :—

Two English officers, Scoffield and Leith, of the Welsh Regiment, went out on *Sunday*, March 27, 1887, in plain clothes, quail shooting near the Ghizeh Pyramids, and there accidentally peppered four Arabs with small shot. These were angry at being hurt, and came up in a menacing attitude, and —such was the English account of the affair—endeavoured to wrest their guns from the officers, with the result that one Arab was shot dead and another wounded. Upon this the neighbouring villagers turned out in force, arrested the officers, and tied them hand and foot until the police should come. On the arrival of the police the officers were liberated, and the matter was reported by these to the General commanding in chief at Cairo. A military Commission was then appointed, and it was decided that a wholesome lesson should be given to the natives for what was called an "ebullition of fanaticism," and *the chief persons of several villages round were flogged.* The Cairo correspondent of the *Standard* thus describes the punishment :—

"The particulars I telegraphed to you regarding the assault on British officers near the Ghizeh Pyramids is, as nearly as possible, correct, but I omitted to say that, besides the flogging awarded, some of the prisoners were heavily fined into the bargain, and that three sheikhs were punished by fine and imprisonment. At 3 p.m. last Thursday two companies of the Welsh, to which the officers assaulted belonged, marched off to the villages of the prisoners, and were drawn up to witness the execution of the sentence. Buleigh Bey was present with native mounted police, and Captain Freeman with some of his English military police. These consist of men picked from different cavalry regiments; a fine stalwart body they are, and admirably disciplined. Captain Riddle (60th Rifles) was also there on duty. He is attached to the police. The prisoners were tied to the typical triangle, and in

front of the villagers *they received a pretty good castigation from the cat, laid on by stalwart British warders* from the Ghizeh Gaol. The older prisoners bore the infliction well, but the younger ones halloaed. The punishment of the cat, however, is nothing in comparison with that inflicted by the corbash, and this used to be laid on the natives' backs and feet on every possible occasion. After a certain number had been flogged at one village, the troops, warders, and police moved on to another, and here some other persons were flogged in presence of the inhabitants. Colonel Tulloch, commanding the Welsh, then made a short speech, saying that the British were in Egypt to protect Europeans as well as natives, that they had shed their blood for the country, and were desirous to maintain order. Therefore if a similar outrage occurred, the perpetrators would be punished in a much more severe manner than the present prisoners had been. It must be remarked, however, that the villagers are often very hardly used by Europeans as regards their crops. No sooner does the shooting season commence—in fact, there is always something to shoot about Cairo all the year round—than a swarm of Greeks, Italians, French, Levantines, nondescripts of all blends, and Englishmen, go forth and tread down their crops. Again and again have the poor natives protested. But what can be done? The 'Capitulations,' as they do in every and all occasions, step in. It is a crying shame. I heard to-day that some of the sheikhs of the villages have given out that on the first occasion of a European misconducting himself when on a shooting excursion they will have him hanged without mercy in retaliation for the punishment inflicted upon the Arabs."

This, I repeat, was a case of martial law pure and simple, that is to say, of no law at all. I have not been able to ascertain whether the course adopted by the General in command had Lord Cromer's formal sanction, but it is

probable that it had and that it must have been approved also by the Home Government. The villagers in the neighbourhood, whom I questioned about the facts of the occurrence two years later, unanimously assured me that, though the first shot which had peppered the Arabs was accidental, the second, which killed the villager, was certainly intentional—"fired out of fear." I do not affirm that it was so, but such was the local knowledge. The officers were not, I believe, subjected to any form of trial on account of the villager's death, not even to the formality of a court martial.

The Decree of 1895.

In 1890 Sir John Scott was appointed official Adviser to the Ministry of Justice; a man of high integrity, great experience of Egyptian law, and sincere sympathy with the natives. Under him the native law courts were reformed, both in procedure and in the personal character of the judges. His principle in appointing these was to choose men known for their probity and also for their independence of character, not merely, as we have seen them later, for their subservience to English orders. As long as Scott remained in the position of practical Minister of Justice the whole native magistrature was inspired with confidence and a certainty that judgments delivered by them, even against Englishmen, so long as they were just, would bring them into no trouble. He found himself, however, constantly at variance with Lord Cromer in regard to the appointments to the Native Court of Appeal. Lord Cromer was for strengthening the English political position in Egypt by influencing the Courts and by appointing a majority of Englishmen to the judgeships and only such natives as should be amenable to English pressure, whereas Scott maintained that there were plenty of native judges more competent than and quite as worthy of confidence as the Englishmen. This

eventually led to Sir John Scott's retirement, as Sir Benson Maxwell had retired before him; and from that date may be reckoned the grosser violations of law and interferences with judicial independence which recent years have shown.

With regard to the relations existing between the Army of Occupation and the natives, however, no such civilised reform was introduced, if we except the trifling police cases of assault between privates of the English regiments and natives in the streets of Cairo and Alexandria, drunken disputes for the most part, which were dealt with summarily and with a certain show of impartiality. Graver cases, and especially those where officers were concerned, continued to be treated arbitrarily and on political grounds. It must be noted too that the cases tried by the ordinary, or as they are called *Summary*, Native Courts were confined to charges made against natives. *In cases of mutual assault no countercharge could be brought against a soldier except before an English court martial.* Nevertheless, the English General in command was always complaining of the lack of protection given by law to his men.

In the winter of 1894-1895, an affray took place at Suez between sailors of Her Majesty's Navy and natives of that seaport town, in which the punishment inflicted on the latter by a Summary Court was not considered by Lord Cromer to have been sufficient, and it was, I understand, in consequence of this and of the strained relations existing at the time between him and the Khedive that Lord Cromer pressed upon the Egyptian Government the new law which has been recently so much cited, that of February 25, 1895, giving him a legal right, in concert with the English General in command, of taking into his own hands all such cases as might affect the Army of Occupation and the Royal Navy. According to the new law, where soldiers should have brought a

complaint before the General of assault by a native, the General, if he thought fit, might apply to the English Agency requesting that the case be taken out of the jurisdiction of the Summary Courts, and dealt with by a special semi-military Tribunal, the members of which, partly English, partly Egyptian, should be practically chosen by the British Agent and himself, and these judges should be empowered to decide the case at a public trial according to semi-military procedure, and to inflict what sentences they pleased, without appeal. It rested with the British Agency to allow or disallow this course.

Although this law was decreed while Sir John Scott was in office at Cairo, it is difficult to believe that it was due to his initiative, and I have been informed that the contrary was the case. But it must be remembered that the worst features of the new tribunal did not disclose themselves until after his retirement. Sir John Scott might well have thought, when the Decree was issued, that his presence at the Ministry of Justice would be, as doubtless it would have been, a sufficient check upon abuses, for the choice of the judges would have rested partly with himself. With his departure, however, and the growing assumption of all power, judicial as well as administrative, by Lord Cromer, the guarantee for impartiality was enfeebled to the point of extinction, until the extreme possibilities of injustice under the Decree have been revealed to us to-day in the barbarities we have witnessed.

It is hardly possible to exaggerate this point. Although in appearance vested with a character less arbitrary than a court martial, Tribunals formed under the Decree of 1895 afford less protection to natives tried by them even than the other, inasmuch as they have power of inflicting punishments of a severity no court martial, except in war-time, would venture to impose; while the composition of the Tribunals, partly native, partly English, throws the odium of such punishments

on the native judges, relieving by so much the odium which would otherwise rest wholly on the British General and the British Diplomatic Agent. The criminal law, too, of Egypt, whose procedure is in part followed, gives special facilities in unscrupulous hands of convicting innocent men, so that trials conducted under the Decree combine the preliminary interrogations of the accused under conditions of terrorism, even perhaps of torture—for all is done in secret, and with wide possibilities of falsifying the *procès verbaux*, or written reports of the evidence used later at the open trial—with the lack of legal ceremony and the celerity of execution of a court martial. *It is not too much to say that under the Decree of* 1895 *a native Egyptian could be legally sentenced to death, even death by impalement or crucifixion, for having by a blow prevented or resented the violation of his wife by an English soldier.* The Denshawai case falls little short of such an extreme but possible case in its sheer iniquity.

Nevertheless, though the text of the Decree permits any and every enormity of punishment in any and every case where a complaint of assault has been made by a British soldier endorsed by the British General and sanctioned by the British Diplomatic Agent, it is clear and there is official record that the Decree was intended to be applicable only in cases where officers and soldiers of the Army of Occupation had been assaulted *while in the execution of their military duty.* This is to be found in Blue Book, Egypt, No. 3 (1901). In it Sir Rennell Rodd, then acting British Agent, under date August 25, 1901, and when speaking of a case which had been tried before an ordinary Court in which officers not on duty had been assaulted, writes in reference to the Decree of 1895:—

"There is, indeed, a special Court with very far-reaching powers, from whose sentences there is no appeal, which may be

convened in exceptional circumstances to try offences against officers and men of the Army of Occupation. This Court has only been assembled twice to my knowledge since it was instituted, and in both cases for offences of a very grave character against soldiers in uniform *in the execution of their duty. It would have been entirely contrary to the spirit and intention in which that Tribunal was constituted* to convene it in order to try an affair of this nature. . . ."

The Denshawai trial, therefore, ordered by Lord Cromer to be held under the Decree of 1895 and before a special Tribunal, in a case where the officers were out for their pleasure pigeon shooting, and not at all on duty, was, on the authority just cited, if not contrary to the text, contrary at least to the spirit and intention of the law, and therefore illegal.

It is very necessary that this point should be pressed upon Sir Edward Grey in any further questions that may be asked in Parliament, for it bears upon the all-important fact, which is really at the root of the whole of these scandals, Lord Cromer's official readiness to override and strain the law where public considerations in his opinion require it. Sometimes these interventions of his authority, so noticeable in recent years, have been directed towards ostensibly good objects, sometimes towards objects merely of immediate political advantage. But in either case the injury done by them to the integrity and independence of the judicial body in Egypt and to the public respect for legality throughout the country has been very great, and has resulted in a complete subservience of the Native Courts to the least hint or expression of the British Agent's will.

The Minshawi Case.

A notable instance of Lord Cromer's intervention, with an ostensibly good object, in the working of the law is that of the arrest ordered by him of the late Minshawi Pasha.

Minshawi Pasha was a fellah notable of great wealth and influence in the Delta, a man of liberal sympathies, wide benevolence, and patriotic antecedents. He enjoyed the highest repute in his own province as a local magnate and the leader in all public works of a benevolent kind. He had the misfortune, however, to be a country neighbour and personal friend of the Khedive's, the Khedive being at that time on very ill terms with Lord Cromer, to whom various high-handed practices of His Highness's had truly or falsely been reported. These Lord Cromer was resolved to put a stop to, and the occasion was given him by the following incident. The Khedive, who is an agriculturist on a large scale, had on repeated occasions been subject to thefts of his cattle on an estate adjoining Minshawi's, and through the neglect or unintelligence of the Anglo-Egyptian police the thieves had always remained undiscovered. At last it happened that a prize bull recently imported from Europe was stolen, and as the police again failed to arrest the culprits the Khedive applied to his neighbour to help him to find out who these were. This Minshawi agreed to do, and having learned, through his local influence, the identity of the thieves, for they were well known in the district, he had them arrested in concert with the provincial governor and conveyed to his own house. There, according to report, he had them beaten with a view to discovering where the bull had been hidden. It was no doubt a most improper and illegal act, but it is exceedingly doubtful whether it was one of such gravity as to have called for Lord Cromer's intervention, but for the fact of the Khedive's connection with the affair. As it was, however, Lord Cromer saw in it the opportunity he needed, and as the Egyptian authorities had taken insufficient action in the matter, Lord Cromer took it into his own hands and ordered the Pasha's arrest and prosecution, with the result that Minshawi

was in a very public manner arrested on a charge of torture, and was tried for it at Tantah, his native town, where twenty years before he had rendered a notable service to humanity by saving the lives, at considerable personal risk, of Christians in a local riot, and sentenced to imprisonment.

Lord Cromer's action at the time was much applauded in England, his personal intervention in the matter being universally acknowledged, and in no way repudiated by him. The following extract from the *Daily Telegraph* of April 25, 1902, will show the view taken of his action :—

"The trial of Menshawi Pasha, in connection with what is known as the Egyptian Torture Case, was concluded to-day. For a month past this case has caused the greatest ferment, especially in the native circles, Menshawi being one of the most influential and wealthy pashas in Egypt. He was actively identified with Arabi in the revolt of 1882; but a contingent of his having saved the lives of Europeans during the troubles, he was allowed to return to Egypt. The present case is that in order to curry favour with the Khedive he took natives from the local prison and flogged them unmercifully to extract a confession of the theft of a prize bull belonging to the Khedive which had mysteriously disappeared.

"On the men being brought into court they protested their innocence, and stated that torture had been applied to obtain the so-called confession. A medical examination proved that they had been brutally ill-used, and *Lord Cromer ordered the arrest of Menshawi Pasha.* The Native Court at Tantah, after a week's sitting, now sentences Menshawi to three months' imprisonment, and the Mamour of the district and the servants who applied the torture to two months.

"Surprise and general satisfaction is expressed amongst the natives that the British authorities show, by the decisive measures taken in the present instance, that they will not

permit oppression of the lowest subject even by the highest in the land."

The use of the word "torture," as rightly applied to flogging by Lord Cromer's admirers in this case, may be usefully contrasted with their deprecation of the word to-day in connection with the punishments at Denshawai and with Lord Cromer's own apology for the practice published in the recent Blue Book.

The Montaza Case.

Another less-known case, where the Khedive was also concerned, but in which not justice but injustice was the result of a very distinct illegality forced upon the Egyptian Government in the Khedive's absence by Lord Cromer and sanctioned by a mere "Ministerial order," in no way differing from the "Administrative orders" in use in Russia, is that of Montaza, the true facts of which Lord Cromer has so far succeeded in keeping almost secret. That it was dealt with *illegally* is proved by Sir Edward Grey's recent statement that it did not come under the head of cases dealt with under the Decree of 1895, which alone could have legalised the irregularity. The facts were as follows :—

On *Sunday*, the 10th of June, 1900, two English officers of the Alexandria garrison, Captain Bulkely and Captain Howes Welsh, attempting to penetrate in plain clothes that part of the Palace precincts at Montaza which is reserved for the ladies of His Highness's household—though the Vice-Reine herself was not at the time in residence—came into conflict with the guard of the place, and with some workmen accidentally employed on the premises, and got themselves somewhat severely beaten. According to the legal reports, *procès verbaux*, of the adventure, which give the officers' own story, they were on their way in a sailing-boat by sea to Aboukir, and the wind being contrary their boatman put them

on shore at the Khedive's private landing quay, which is within the forbidden precincts. There they found a single guard on sentry duty in a kiosk who motioned them away, and after an altercation between him and their boatman which they did not understand, the man still opposing, they rushed on him, knocked him down and attempted to disarm him. The excuse they gave for this assault was that they had been asleep in the boat, that they did not know where they were, and that they took the sentry to be a coastguard or a madman and feared that he might shoot them. All three, officers and sentry, fell on the ground together, when the cries of the sentry brought people to his assistance, workmen who were repairing a jetty, and who, seeing the guard overpowered by strangers, themselves overpowered these, belabouring them with pieces of carpentering wood lying near, and inflicting rather serious scalp wounds.

The incident having been reported by the officers to the English General in command at Alexandria, he demanded a severe punishment on the natives. It happened, however, that the Khedive was away from Egypt and precisely at that moment was paying a visit to Her late Majesty Queen Victoria in England, and, as the conflict had occurred on the Khedive's private property and the natives concerned were in the Khedive's personal service, the native Egyptian Ministry, subservient as it generally is to English dictation, refused to prosecute. Nevertheless, on the General's continued representations, Lord Cromer decided that the prosecution should be insisted on. Pressure was therefore put upon the Ministers, and they were compelled to agree. The law of 1895 was in this case—at least so Sir Edward Grey has declared—not invoked, the officers being neither in uniform nor in the execution of any military duty, but, in order to ensure a conviction and what was considered an adequate punishment, a

procedure quite as exceptional and sanctioned by no law was adopted. Abandoning all legal precedent in criminal cases, the Egyptian Prime Minister was induced, by a simple Ministerial order, to appoint a special Commission of Inquiry to act instead of the Public Prosecutor, and to take new evidence supplementary to the police evidence already obtained, which seemed to take too favourable a view of the native case. This special Commission consisted of two Englishmen, Mr. Corbett, the Procureur-Général, and the English Adjutant-Colonel of the garrison, with Kheyri Pasha, civil governor of Alexandria, as third. Thus constituted, the Commission examined witnesses afresh, and framed an indictment, in default of any identifiable person among those who had injured the officers, against the unfortunate sentry whom they had assaulted, and against another guard who had accompanied the officers to the surgery and telephone, and who, they said, had struck them on the way there. As, however, there was no Article in the Egyptian Code which in a case of assault in order to repel an assault could be punished with any severity, especially in the case where the persons assaulted were themselves guilty of a trespass in enclosed premises—an offence according to the Code of a very serious kind—a fiction of law was employed to inculpate the two guards of a conspiracy to assault with "previous agreement and intent to do bodily hurt." The last paragraph of a certain Article in the Criminal Code—Article 220—was unearthed for the purpose. According to this, persons forming part of a band of armed men more than five in number might be indicted as a band of highway roughs and punished with extreme penalties, and on this charge the Commission of Inquiry decided that the sentry and his companion should be tried before a Native Court at Alexandria. The result was that a vindictive punishment was secured. Although there was no particle of evidence produced show-

ing conspiracy or premeditation of any kind, but on the contrary the evidence of the officers themselves proved that the sentry was alone when the affray began, and that the other guard prosecuted had not been present at all when the injuries they complained of were inflicted, these two men, in default of other victims, were sentenced, the sentry to eight months' and his companion to three months' imprisonment.

This case is interesting in many ways, and especially as showing how small a protection appeal affords to natives in such circumstances, and how certainly the Court of Appeal, packed as it is by Lord Cromer with Englishmen of his choice, and with subservient native judges, can be relied upon, however unjustly, to uphold a sentence obtained. Appeal here was made by the two prisoners, based on the undeniable fact that they were two persons only, whereas Article 220 names six persons as necessary to constitute an armed band, but the Court of Appeal, notwithstanding the illegality, without hesitation confirmed the sentences, and the assaulted sentry, an unfortunate soldier who had just been rescued from a sixteen years' captivity at Omdurman in the prisons of the Khalifa, was forced to undergo the whole of this new imprisonment at English hands.

Such are the facts revealed by the *procès verbaux* of the trial. They were told me first in their main outlines by the Khedive himself on the 23rd of November, 1901, and His Highness promised at the same time to send me the *procès verbaux* of the trial, as well as the details of a second case which had occurred near his palace at Koubba, where a notable of Waïla, riding on an ass on the high-road, had been assaulted by troopers of the 21st Lancers, and had died of the injuries inflicted, without any court martial having been held on any of them or punishment of any kind imposed. I have a record of this conversation in my journal of that date, as also of a message I

received later, to the effect that shortly after it occurred Lord Cromer, to whom the Khedive had mentioned the incident, forbade His Highness to send me the details of either case. I obtained, however, notwithstanding the prohibition, the documents relating to the Montaza trial, and find in them the facts as I here state them. On my sending in an account of the affair, in the spring of 1902, with other matters of a like nature, illustrating the perversion of justice in cases affecting the Army of Occupation in Egypt, to Lord Lansdowne, at the Foreign Office, Lord Cromer, to whom my representations were referred, thought fit to deny the Montaza facts. He was, I presume, unaware that the *procès verbaux* of the trial were in my possession when he made the denial, for it cannot be supposed that he had so soon forgotten a case of which he had himself authorised the procedure.

The Fox-hunting Case.

Another and better known case, somewhat similar to that of Montaza, is the case of certain officers of the 11th Hussars, who, with other officers, broke into my walled garden near Cairo, during my absence in England, at five o'clock on *Sunday* morning, the 21st of July, 1901, to hunt the half-tame foxes there. Here was a case of trespass, insignificant according to English hunting ideas as between the officers and myself, but a very serious violation of Egyptian law, for which the trespassers, had they been natives, might have been prosecuted with the certainty of heavy sentences being imposed. Moreever, they were the aggressors, having struck the first blows on my native servants with their hunting-whips, and were thus wholly in the wrong. The servants had at most struck one blow, and thrown a clod of earth in return, inflicting injuries so light as to have left no marks, not even a contusion. Yet on application by the General in command at Cairo to Sir

Rennell Rodd, acting in Lord Cromer's place, that "the chief offenders might be severely punished," a political colour was at once given to the affair, and all the forces of the law, regular and irregular, were put in motion to ensure conviction of the natives, and heavy sentences pronounced. The whole staff of the garden was arrested, and three of them were conveyed in irons to Cairo. The preliminary inquiry of the local police, which, as in the Montaza case, had recorded facts adverse to the officers, was set aside, and a new inquiry, under circumstances of extreme intimidation, was ordered to replace it. The servants were then sent for trial before a removable native judge, and once more a charge of conspiracy and premeditation, "previous agreement to assault and do bodily hurt," was preferred against them, and a sentence of three years' imprisonment demanded by the prosecution. It was due to an accident only—namely, that the natives were in my service, and had found an able and honest lawyer to defend them for my sake—that the full penalty was not imposed. As it was, terms of six and four and three months were given in a country court where the Advocate-General appeared in person, with the governor of the province and other high officials, Egyptian and English, and where the officers, who had been in mufti at the time of the affray, gave evidence in uniform.

In this instance, however, the full sentences were not carried out. The noise of the affair had reached England, and questions had been asked in Parliament, and the Court of Appeal to which the officers, not content with their limited vengeance, had applied to increase the sentences, reduced them.

What made the case really important, however, was that when the Blue Book containing what purported to be the full papers connected with the trial appeared—for these had been promised—it was discovered by a comparison of it with the official reports in the original Arabic, that a false account of

the case in its most essential features had been forwarded officially to the Foreign Office, and by the Foreign Office had been presented as a true account to Parliament.

This brings us to the culminating iniquity of the hanging of four natives and the scourging of eight others, besides the infliction of varying terms of penal servitude ranging up to life imprisonment, for a so-called "assault" on five English officers under circumstances of the strongest provocation last month at a village in the Delta.

The Pigeon-shooting Case at Denshawai.

Although full information in regard to this astonishing case was promised by Sir Edward Grey to Parliament as early as July 2nd, the Blue Book concerning it was not presented till July 28th, that is to say a few days only before the close of the Parliamentary Session and after the Foreign Office vote had been taken, thus making all real discussion of it in the House of Commons impossible. The excuse for the delay in publishing was the lengthy nature of the evidence given at the trial which would need translation. Nevertheless, *the Blue Book*, when it at last appeared *was found to contain no word of that evidence.* In place of it there stands printed the text of the Judgment pronounced by the judges in which what purports to be a *rèsumè* of the facts proved at the trial is given. It contains also a statement by Lord Cromer that the trial was a fair one and that the sentences pronounced "though severe, were just and necessary." Lord Cromer, moreover, appeals at great length to his past services in the cause of justice and moral progress in Egypt—matters relating chiefly to twenty years ago, and concerned mainly with the reform of the Native Courts. Of any recent cases which have occurred between English officers and natives he says nothing, and he is silent as to his own responsibility in the present

affair. The Blue Book is, in fact, another instance of the way in which cases of the kind are hushed up and concealed officially by the British Agency at Cairo and the Foreign Office. If, therefore, we were dependent for our knowledge of what took place at the trial, or for the facts of the case, solely on the Blue Book, a certain doubt might be left on our minds in regard to these last. Fortunately, however, the principal points of the evidence denied by the Foreign Office is supplied us by the day-by-day reports published of it in English, French, and Arabic by the Cairo and Alexandria newspapers. It is from these and other sources, including a Special Report sent to me by the "notables and merchants of Cairo," that I give the following account of the affair, not indeed affirming its complete accuracy, but only its accordance with what has been published and sent me.

As to the First Facts.

The facts of the case, which are beyond dispute, are that five English officers of the Army of Occupation, while employed on a march from Cairo to Alexandria, camped on the morning of the 13th of June, 1906, at a place in the province of Menufieh named Khamshish, and having established their camp, started almost immediately on a sporting expedition to shoot pigeons at a village some six miles distant, Denshawai, where it was known to some of them that there were large numbers of pigeons bred by the villagers; that, arrived at the village, the officers, who were in khaki uniform, posted themselves outside the village in two separate groups on two sides of it, and commenced shooting; that the villagers objected to their thus shooting the pigeons; that a dispute arose in consequence, with the result that a native woman and three men of the village were wounded with small shot; that the officers then attempted to leave the village, but were attacked by the villagers

and injured, some of them severely, but none of them in such a manner as to cause death; that three of them were captured by the villagers and retained as prisoners, while two escaped; that of these two, one, Captain Bull, after running four and a half miles, fell down, *overcome by the midsummer sun*, in the neighbourhood of another village called Sersena, on the road by which they had come from Khamshish; that the other fugitive, Captain Bostock, a medical officer, having reached the camp, gave warning to the soldiers of what had happened; that a patrol of these then started for the scene of the affray; that at Sersena they found Captain Bull on the ground in a dying state with a native of that village tending him; that, supposing him to have murdered Captain Bull, they pursued and killed him; that, at their arrival at Denshawai, they surrounded the village, when the captive officers were liberated.[1]

[1] NOTE.—As a contrast to the punishments inflicted on the natives and the zeal shown to obtain their legal conviction, the following extract from the *Pall Mall Gazette* will show the counter case of how leniently and evasively the killing of the native by the soldiers at Sersena has been dealt with :—

"CAIRO, *July* 31*st*.

"The report of the experts who performed the post-mortem on the native found dead at Dersineh (Sersena) has now been made public, and it declares that death was not due to a bayonet or shot, but to fracture of the skull through a blow or blows on the base, which had been completely smashed in. This clears the Mounted Infantry, for, although the blows might have been given by a soldier just as well as by a native, the absence of any bayonet or shot wounds removes any direct proof of the soldiers' complicity. It is to be hoped that, now that the matter has been sifted as far as it is humanly possible to do so, we shall hear nothing further of it, and that the native Press will cease its outcry."

The native account of the manner of the man's death is that he was brained by the soldiers with the butt-ends of their rifles. There is, it seems, to be no court martial, for the simple reason that the soldiers have denied their guilt, and the natives cannot identify exactly which of the soldiers killed the man.

This is the simplest statement of facts, undisputed except as to the killing of the native at Sersena. What also is certain is that on a report made by the officers of what had happened to the General in command of the English garrison, a request was addressed by him to Lord Cromer, asking that the case might be treated under the decree of 1895; that upon this Mr. Machell, the English official adviser of the Ministry of the Interior, on the next day, the 14th, went with a large police force to Denshawai and arrested thirty-five of the inhabitants, certain others, supposed to be those principally concerned, having in the meanwhile escaped, nor had they been captured when the trial took place; that upon Mr. Machell's report Lord Cromer decided that the case should be dealt with according to the special law decreed in 1895, already mentioned.

It is worthy of notice that both General Bullock and Lord Cromer, in the official demands they made for a special Tribunal, describe the case as a "*shooting affray*, with the result that one officer was killed and two were severely wounded," thus conveying the false impression that the three officers had been *shot* by the villagers, although in every account, official and unofficial, of the affair the only arms of the villagers, as both the General and Lord Cromer knew, were *nabouts*—heavy sticks (mis-translated in the Blue Book "sticks *loaded with lead*")—while the officers alone had firearms.

As to the Procedure before the Trial.

In accordance with this decision a decree was issued in the Khedive's name, the Khedive being himself at the time absent in Europe, bearing date June 17th, which runs as follows:—

"Order by the Minister of Justice:

"In view of Article 2 of the Decree of February 25, 1895, instituting a special Tribunal to take cognisance of crimes and

offences committed against officers and soldiers of the Army of Occupation ;

"In view of the despatch by which the Agent and Consul General of Great Britain demands, in conformity with Article 6 of the above-named Decree, the constitution of the said Tribunal to take cognisance of the assault committed on the 13th of June instant, in a village near Tantah, and in consequence of which an officer, Captain Bull, was *killed*,[1] and two other officers, Major Pine Coffin and Lieutenant Smithwick, were very seriously injured ;

"It is ordered :

"Sole Article : Mr. Bond, Vice-President of the Native Court of Appeal, and Ahmed Bey Fathi Zaghlul, President of of the Native Tribunal of Cairo, are chosen members of this special Tribunal which shall assemble to determine the facts of the assault [statuer sur les faits d'aggression] here above mentioned :

"Given at Cairo, June 17, 1906 : Signed Boutros Ghali, the Minister, ad interim."

On the same day, the 17th, and before any sitting of the Court of Inquiry had been held, Mr. Machell, the English official adviser to the Ministry of the Interior, issued to the Press an official statement of what purported to be the facts of the case, thus prejudging the results of the Inquiry. Between the 17th and the 19th Mr. Bond and Ahmed Bey Fathi Zaghlul examined the case at one or more private sittings—sittings at which neither newspaper reporters nor public were admitted, nor were the arrested persons who were examined represented by counsel. The official report of their answers, with other evidence thus privately obtained, was

[1] NOTE.—The occurrence of the word "killed" in this Decree is noteworthy in connection with the true circumstances of Captain Bull's death by sunstroke.

nevertheless used against them afterwards as evidence at the trial.

On the 20th it was publicly announced that the Inquiry had been concluded and that a decision had been come to by it of inflicting death sentences. It is quite certain that Lord Cromer must have known the result of the Inquiry and approved the intention of punishing with death before this announcement was made, and that he did so on the ground afterwards abandoned at the trial, that the assault on the officers had been *prearranged.* It is indeed probable that he himself drew up the programme of punishment before he left for England. The special report sent me by the notables is insistent as to Lord Cromer's direct responsibility. It says:—

"We draw your attention to the fact, which is now a disclosed secret, that *Lord Cromer had left the necessary instructions before leaving and appointed the penalties beforehand.*" This is in accordance with every probability, inasmuch as there is no official, English or native, in Egypt who would have dared to take upon himself before trial the responsibility of so grave a decision. Lord Cromer's approval is also plainly alluded to in a telegram, from its Cairo correspondent, printed by the *Daily Chronicle* in London on the morning of June 21st under the heading of "Short Shrift":—

"The preliminary inquiry into the attack on British officers . . . has been concluded. Everything indicates that the outrage was much more serious than at first supposed, and that it was prearranged. Fortunately this time *Lord Cromer is convinced of the bad faith of the natives.* They will be severely dealt with, and the sentences will be carried out immediately, those *condemned to death* being shot in public. There will be no appeal."

This telegram, be it remarked, was published in London *three clear days before the trial began.* Lord Cromer left

England on the 19th, and the telegram must have been despatched not later than the 20th. On the same day, the 20th, the Ministry of the Interior ordered from the Police Stores at Cairo that a gallows should be got ready and sent to Denshawai. This was in all the Cairo newspapers. The words of the Special Report are: "On Wednesday (the 20th) the Ministry of the Interior ordered the Police Stores of Cairo to send the gallows to Denchewy, and we assure you, though it was afterwards denied by the Ministry, that the machine and twenty ropes were sent on Wednesday to Denchewy." *This ordering of the gallows, be it noted, took place four days before the trial began.*

The following is the text of a second Decree, also signed on the 20th :—

"Order by the Minister of Justice :

"In view of the Decree of Feb. 25, 1895, &c.,

"It is ordered :

"Article 1. The special Tribunal composed of

"Mr. William Goodenough Hayter, Judicial Adviser, ad interim ;

"Mr. Bond, Vice-President of the Native Court of Appeal ;

"Lieut.-Colonel Ludlow, Officiating Judge Advocate of the Army of Occupation ;

"Ahmed Bey Fathi Zaghlul, President of the Native Tribunal of Cairo, sitting under my Presidency :

"is convoked to determine the facts of the assault here above mentioned.

"Article 2. The Tribunal will sit at Shibine-el-Kum and will hold its first meeting Sunday, June 24, instant, at 10 o'clock in the morning.

"Given at Cairo, June 20, 1906. Signed Boutros Ghali, the Minister, ad interim."

Composition of the Court at Shibin-el-Kom.

What is noticeable in the composition of the Court thus appointed to try the villagers, and which held its first public sitting at Shibin-el-Kom on June 24th, the chief town of the district in which the affray had occurred, is

1. The Court was, as already shown, *illegally* convened, there being nothing in the facts revealed either by Mr. Machell's police inquiry or by the Preliminary Inquiry to suggest that the case was one affecting British soldiers "in the execution of their military duty" (compare page 23).

2. The judges appointed to try the case in public and to pronounce sentences on the Mohammedan villagers, in Egypt a Mohammedan country, on charges declared by Sir Edward Grey to have been connected with Mohammedan fanaticism, were three Englishmen, including an English officer, one Christian Egyptian, and only one Mohammedan.

3. It is to be remarked that two of the judges out of the five were precisely the two who had already inquired into the case in private, and in connection with whose official inquiry it had been publicly announced that it was intended to pronounce sentences of death.

4. Although it has been officially stated that all the members of the Court were "acquainted with Arabic," it is extremely unlikely that the acquaintance of all of them with it was sufficient to enable them to understand the native evidence. It is equally unlikely that the accused villagers understood the evidence given in English by the officers, although translators are said to have explained it to them.

5. Mr. Hayter, representing the Ministry of Justice and one of the judges, is admitted to have had no judicial experience. Another, Colonel Ludlow's experience of Egyptian Courts cannot have been great, while the Coptic Pasha Butros,

though Minister of Justice and President of the Tribunal, was no lawyer, and seems to have been so distrustful of his own judicial ability that he left the whole of the direction of the trial to Mr. Bond, who monopolised the initiative. Yet Mr. Findlay, acting in Lord Cromer's place, writes of the special Tribunal legalised by the Decree of 1895: "The object of the institution of this Court was to insure that such cases should be tried by competent judges acquainted with the country, customs and language of the people."

As to the Unfair Procedure in Court.

The impression given to unprejudiced spectators, as reproduced in the French accounts, clearly was that the sole duty entrusted to the Court was as speedily as possible to deliver the sentences already agreed upon and made public, and to cast over the punishments intended a thin veil of legality. The counsel for the defence, according to these, were throughout under intimidation from the circumstances of military display under which the Court was sitting; and the timid and obsequious language of their pleading, as given in the reports, fully bears out this impression. The following is from the French newspaper, *l'Egypte*, which, it may be remarked, has been throughout a supporter of Lord Cromer's policy, especially during the recent months of his quarrel with the Sultan, and to the extent that it is published on the same sheets with an English newspaper avowedly his partisan. Speaking of the helpless position of the counsel for the defence, the writer, M. Munier, an eye-witness and a French gentleman of the highest respectability, says :—

"These defenders of the accused might have exclaimed with Cicero in the pleading he made for Milo; 'This new form of justice is made to strike terror. I turn my eyes, I look in vain for the ancient customs of the Forum and the old

traditions of justice. Here we have no Tribunal with which we are familiar, and the crowd which presses on me is not one we are any of us accustomed to see around us.' The bench of judges," M. Munier goes on, "had been carefully packed, and, among the magistrates charged with judging 57 accused Moslems, three judges were English and only two native, one of whom was a Christian. Out of the 57 persons accused 50 are caged within barred enclosures, the 7 others have disappeared and will be judged *en contumace*. The interrogatory of these 57 accused *lasted exactly thirty minutes*, that is to say they gave them no time at all to defend themselves. The Englishmen, who were perhaps the aggressors, and who, in any case, were actors in the affray, and for that reason inculpated until light should be thrown on the affair, remain free, and alone have the right to explain themselves. One sees clearly from the first moment that the game is not a fair one. It is Mr. Bond who directs the arguments; it is he who puts the questions; it is he who, with Lieut.-Col. Ludlow, dictates to the dragoman the words to be interpreted. On one of the witnesses, who at the preliminary inquiry accused his fellow-countrymen, who in the face of the open Court now recognised, doubtless with remorse, that it was the Englishmen who had begun the quarrel, Mr. Bond inflicts this rebuke: 'Your contradiction nowise astonishes me. All Egyptians are alike. Not one can be trusted.' We see at once the effect of this gratuitous insult in the faces of the two native judges.

"When the choice of witnesses was made, the Agent of Police who accompanied the officers on their shooting expedition was left out. This Agent, a man of fearless bearing, nevertheless makes his appearance before the Court, having been called by the prisoners' counsel. He relates the facts as

he saw them. Mr. Bond asks him if he is not afraid. 'Nobody in the world,' he replied, 'is able to frighten me; the truth is the truth.' But his evidence interferes with the plans laboriously built up by those who are charged with the higher interests of Egypt; he is promptly sent down.[1] When the Advocate-General began his speech for the prosecution there was not one of us who did not know the names of the victims chosen for the act of public vengeance."

Be it also remarked as typical of the one-sided character of the proceedings, and an astonishing instance of the readiness with which the Court accepted as sufficient the statements, sworn and unsworn, of the officers, to the prejudice of the natives, that on the question of identification being raised, Major Pine Coffin's word was allowed without comment, when he ventured to affirm that, out of the fifty-two prisoners present in Court, he was able to recollect and identify twenty-nine—a feat of memory which, under the brief and troubled circumstances of his connection with the prisoners, is probably unparalleled in the annals of English evidence.

Such at least is the account of it given in the English reports of the trial, though the Special Report puts it at twelve only, the fact remaining that the officers between them succeeded in identifying at least twenty-one, without which feat of memory so large a number of convictions could not have been legally obtained. The memory of the officers would, indeed, be quite incredible were it not explained in the Special Report that it was facilitated by *numbered placards in European characters, having been conspicuously affixed to each of the fifty-two prisoners, in order that those designed for punishment might be easily identified, the numbers attached to those thus selected*

[1] NOTE.—This police officer has since been tried for his conduct in connection with the affair before a "Court of Discipline," and has been condemned to two years' imprisonment and fifty lashes.

having been previously communicated to the officers. I do not affirm that this was a true explanation of the placards, but all accounts speak of the use of them as a feature unprecedented in Egyptian criminal courts, nor is it easy to account for the innovation by any other theory. The fact that, though the proceedings were avowedly all in Arabic, the placards were in European character seems to indicate a purpose which at least requires official explanation.

In contrast with these facilities of identification given to the officers, we find the soldiers who had killed the native of Sersena declared guiltless at a later military inquiry, through the impossibility of identification by the native witnesses to whom "all the soldiers looked alike."

As to the Evidence recorded. The Question of Uniform.

The question of uniform—an important one under the circumstances—was the first discussed. Here, in answer to Colonel Ludlow, Major Pine Coffin deposed that "all the officers were in khaki uniform, wearing knee-breeches and spurs and helmets, and all wore their regimental shoulder badges." This, although considered sufficient to give a semblance of legality to the application of military law to the case, is hardly conclusive as a proof that the villagers recognised the sportsmen as English soldiers. Helmets and khaki are commonly worn by civilian Englishmen, and indeed by other foreigners, in summer, when in the country neighbourhood of Cairo, while the shoulder badges are so small, hardly larger than half a crown, that they are not likely even to have been noticed, still less understood, by the villagers.

The question of uniform was much insisted on by Colonel Ludlow, as on it might be made to rest the legality of the decision to take the case away from the ordinary criminal courts, and treat it as one of an attack on soldiers performing

a military duty. It is difficult, however, to understand pigeon shooting, even in uniform, as military duty, unless, indeed, it was intended as a military demonstration to overawe the neighbourhood; in which case the officers should surely not have surrendered their arms to an unarmed crowd.

As to the Right to shoot the Pigeons.

The Counsel for the prosecution asserted with much insistence that the pigeons were wild birds, and that the dove-cotes they lived in belonged to nobody, nor does the text of the Judgment delivered, in its recapitulation of the facts proved, pronounce upon this point. All those, however, who visited Denshawai in connection with the trial and the executions, agree in a contrary opinion. The pigeons, they say, are bred in large numbers by the villagers, and habitually roost in towers specially constructed for them in and around the village, the birds being an important part of the village wealth. They do not belong to the Omdeh, though it is often assumed by sportsmen that an Omdeh's permission gives them the right to shoot. That the officers assumed this appears in the evidence. Major Pine Coffin deposes that he had been out pigeon shooting before, and that "when he went out shooting he had always obtained beforehand the permission of the Omdeh of the village." No evidence, however, was offered at the trial that any such permission had been obtained in the present instance. All that the officers were able to swear to was that they had met a man outside the village and had asked him through an interpreter—for they did not speak Arabic—whether they could shoot, and that he had signified his assent if at a distance from the village. On being questioned on the second day of the trial, Major Pine Coffin corrected his statement about asking leave, which had implied an admission that he knew the birds to be private property, by saying that

"he had always understood that wild pigeons, such as they were shooting at, were public property when they were outside the bounds of the village." Even according to this rule, however, had it been a true one, Major Pine Coffin would not have been justified by Egyptian law, for it stands on his own evidence as recorded by one report that he began his shooting within 85 yards only from the village, a distance recognised by law as well within the village bounds, for it is forbidden to fire a gun for sporting purposes within 250 metres, say 270 yards, of an inhabited house or a threshing floor or a water-wheel or a public road or a canal. The action, therefore, of the officers was, however they have chosen to put it, illegal. The illegality seems to have been noticed by the judges, and it is a striking instance of their bias and of their endeavour to show the perfect correctness of the officers' conduct that, notwithstanding the evidence just quoted and even the admission of the counsel for the prosecution that 85 yards was the distance, the text of their sentence, where the facts proved are recapitulated, states the distance proved to have been 500 metres from the houses of the village and 100 metres from the threshing-floor. That the distance was less than 100 yards is shown by the photographs of the execution since published by *The Illustrated London News* and other newspapers, inasmuch as it is stated that the gallows were erected as near as possible to where the affray occurred.

As to the Shooting of the Native Woman.

As it is not my object, in publishing this pamphlet, to insist upon the faults either of judgment or otherwise of the officers concerned in this affair, but to show only the injustice done, I refrain from dwelling in detail on the curious nature of the evidence they are reported to have given beyond stating that the Reports published in Egypt, together with the Special

Report sent me, give a very distinct impression that it was desired both by the officers and by the Court that the full circumstances of the woman's wounding should be concealed. It is the universal belief in native Egypt that at least one shot was fired by the officers into the crowd, which wounded the woman and three men, and that it was so the published evidence goes far to prove.

Major Pine Coffin, in the English reports, is stated to have sworn that, understanding that the woman was dead, he arrested one of the junior officers, saying, as he did so, that "*he had killed a woman, and he must take him away and must therefore arrest him.*" The fact of the arrest having been sworn to is given in the text of the Judgment (see Blue Book), but not the words reported to have been used by the Major. It says: "He [Major Pine Coffin] went to the mob and arrested Lieutenant Porter, assisted by another officer, *as a criminal.*"

With regard to Lieutenant Porter's gun there is curious discrepancy and self-contradiction in the text of the Judgment, thus:

Paragraph 5 of the Judgment says: "The owner of the threshing floor approached Lieutenant Porter and seized his gun, when about thirty persons, some of whom took hold of the gun at the same time, and the others surrounded the officer [*sic*]. They *pulled the gun from him*, after which the gun exploded, two shots going off, and the wife of Mohamed Abd-el-Nabi Moazzin, Amir Ads, Sheikh-el-Ghaffir, Ali Dabshah, and Mohamed Daoud received the charge from the gun."

Paragraph 7, on the other hand, of the Judgment says: "Major Pine Coffin went, accompanied by his two comrades, towards the other officers; he saw that the crowd around them increased and *the Lieutenant was unwilling to surrender his*

weapon, and he saw evil intentions in the faces of the crowd. He wished to go back, and began to take the cartridges from his gun, which he gave to a native. He also gave his watch to that man, and ordered his comrades to give up their guns. He went to the mob and arrested Lieutenant Porter, assisted by another officer, as a criminal, and all turned to go to where they had left their carriages and horses."

These two slovenly and obscure passages, so little creditable in the solemn summing up of "competent" English judges as the reasons of their pronouncing sentences of death, are, as I have said, self-contradictory. The first asserts that the gun was pulled away from the Lieutenant; the second, if it means anything, that the gun was still in his hands when the Major arrested him.

What is the reason of this discrepancy, of this obscurity, of this intricate confusion of personal pronouns?

According to the Special Report sent me, the evidence offered by the *onbashi*, sergeant of police, Ahmed Hassan Zagzug, which was suppressed and caused his being turned out of the witness-box, was to the effect that the officers had intentionally fired on the natives.

As to Premeditation in the Attack.

No evidence is recorded in the accounts of the trial of any premeditation in the sense given to the word in English law courts, differentiating murder from homicide, a pre-arranged attack from an accidental affray. The whole story of there having been a trap laid for the officers—a tale we find put forward as the chief reason which weighed with Lord Cromer in deciding that severe and exemplary punishment should be inflicted on the villagers—seems to have been at the outset abandoned at the trial, no evidence whatever being given in support of it. On the contrary, the accidental

character of the affray comes clearly out in the testimony of Major Pine Coffin, who declared that "the only previous notice these men (the villagers) had that the officers of the party wished to go shooting was that given by the onbashi of police when he went to inform the Omdeh"—that is to say a few minutes before the shooting began.

Nevertheless, in the text of the Judgment pronounced on the accused by the judges, the following paragraph occurs :—

"This crime was intentional and previously arranged, as is evident from the fire and the sudden increase of the mob against the officers on the south side [Lieutenant Porter's] and those who seized Captain Bull and pointed to the smoke." This pronouncement suggests that precisely the same fiction was employed by the prosecution as we have seen employed in the Montaza case and the fox-hunting case, namely, that the gathering together of natives, where disputes have arisen between them and English officers, has been interpreted as a conspiracy to assault with "previous agreement and intent to do bodily hurt," thus bringing the accused under the last paragraph of Article 220 of the Egyptian Code. Nobody in England, however, need be deluded by this legal quibble into the belief that premeditation of the kind which constitutes murder is to be found anywhere in the evidence.

As to the Medical Evidence.

Although a violent assault was proved against the villagers, and although there was evidence of the officers having been robbed as well as assaulted by persons unknown, *the published reports contain no evidence of killing or an intention to kill.* Captain Bostock, who is a medical officer, deposes that he had "made a superficial post-mortem examination of Captain Bull's

body, and concluded that death was due to concussion of the brain and sunstroke." Dr. Nolan, who, by Lord Cromer's order, had made a subsequent post-mortem examination, also deposed that the wounds found on Captain Bull "were caused by violent blows with a blunt instrument, but *the direct cause of death was heat apoplexy*," and again, that "after hearing the evidence, he concluded that death was due to heat apoplexy, aggravated by concussion of the brain caused by blows." Thus *we find no conclusive evidence even of manslaughter against the villagers.*

As to the intention of killing, the evidence is wholly the other way. Captain Bull was struck, it is not stated either by whom or by what weapon, but apparently by brickbats thrown by the crowd. It is unlikely, moreover, that his bruises can have been very severe, as he was the officer chosen by Major Pine Coffin to run back to the English camp six miles away, and he outstripped the others and, in fact, had run four miles before the heat of the sun overpowered him, nor is there any evidence of his being again assaulted while on the road. Still less is there evidence in regard to the three officers who remained in the hands of the crowd. These were seriously maltreated, and one of them, Lieutenant Porter, imagined that the villagers intended to burn him, while a dumb show of throat-cutting, a very common gesture in Egypt, but which probably in the present instance meant no more than that the officers deserved death for the injury caused to the woman, are in evidence. It is clear, however, that there can have been no serious intention to kill, for the officers were unarmed and entirely in the power of their captors during some hours without any murderous intention against them being carried into effect.

By analogy with the Ghizeh case, I am convinced that what the villagers intended was in the first place to stop the

shooting of their pigeons. It seems certain that the year before they had complained of the depredations of certain shooting parties, but that, through the intrigue of an Omdeh or other influential person, their petition was not forwarded to Government, or if forwarded, was withdrawn. They were therefore, when this new raid on their pigeons occurred, resolved to put an end to the injury done them by the only means open to them, namely, that of securing the intruders' guns as a method of identification and future claim for damages. On one occasion, it has been stated, though I do not find it in the evidence, that several sacks full of pigeons had been carried away by a shooting party—a quite sufficient reason for their action in preventing a repetition of the injury done them. Their extreme anger, however, was certainly due to the gunshot wounds sustained by the woman and the three men. It is difficult to understand that any one knowing the fellahin should read the evidence otherwise. Although attempts had been made to wrest their guns from the officers, no blow is in evidence as having been struck until after the wounding of the woman. It is natural that they should not have been content with the offers of money compensation made them after this, and that, when they saw Major Pine Coffin making off with the rest of the party for their carriages, they resolved to arrest and detain them. That the three officers were brutally treated is certain, but only one of them, Major Pine Coffin, was seriously hurt, and it must be remembered, when kicks are mentioned as having been dealt to their prostrate bodies to make them get up and go back with their captors to the village, that it must have been with naked feet, for the fellahin of Egypt go habitually unshod. It is not at all certain that under like provocation strangers in an English village would have been much more gently treated.

Yet Mr. Findlay, acting for Lord Cromer, describes the

case as having been proved to be one of "brutal and premeditated murder."

As to Fanaticism.

It is to be noted that there is not a syllable in the evidence or in the recorded proceedings of the Court that, however remotely, suggests fanaticism as a cause of the villagers' action, still less as one that can justify the savage punishments which are now being excused on that plea.

In this connection it may well be asked how, if the country was known to be in a state of fanatical excitement, as Lord Cromer now declares it to have been, it came about that officers in command of a body of English troops marching through a district thus disturbed, should have been allowed or should have allowed themselves to separate so far as five miles from their men and go on a shooting excursion under circumstances of such doubtful legality. If such was indeed the case, might it not be suggested that the opportunity of a conflict was deliberately sought? Of course no such intention is likely to have been in the minds of the officers. But the idea of fanatical excitement and its attendant danger in the country they were marching through must have been equally absent from their minds.

The plea of fanaticism as a cause of the conflict has clearly been an afterthought. It was not even put forward by the Counsel of prosecution in his charge against the villagers. Mr. Findlay admits this and more when he says: "I do not believe that this brutal attack on British officers had anything directly to do with political animosity."

As to the Text of the Judgment.

The judgment, as printed in the Blue Book, is one of the most disgraceful documents ever issued, as their deliberate

summing up of a case and sentence by civilised judges. It is self-contradictory, slovenly, and in its language truculent and absurd.

Its truculence and absurdity are shown in the following passages :—

"Whereas this crime was committed against officers who surrendered their arms and were defenceless, and could do nothing but flee. This they could not do in spite of their efforts to do so. They showed no enmity, and did not provoke the aggressors by words or signs, and did not arouse their anger so as to cause them to act as they had done ;

"Whereas this crime was committed intentionally and with premeditation, as is evident from the fire and the sudden increase of the mob against the two officers on the south side, and the act of seizing hold of the hand of Captain Bull on the north side and pointing to the smoke. Nobody present had mercy on a guest who had done nothing to deserve blame, and still less such excessive violence as to cause his death, while people were present among the crowd who might have prevented it but these were more severe and more merciless than the others ;

"Whereas what makes the crime worse is that it was committed against men who were known for their valour and who had seen active service, and *could have shot the aggressors as they did the pigeons*, but they had peaceful intentions. They surrendered their weapons in order to save themselves, but it only resulted in harm.

"Whereas these prisoners, by reason of the outrage they committed, deserve no mercy, as they showed no mercy."

Nevertheless, abominable as the judgment is, it does not go to the full length of ascribing "murder" to the villagers. Its text on this head is "the incident is considered as homicide, preceded, accompanied, or followed by the crime of robbery

with violence." In this it falls short of the official report of our Agency to the Foreign Office which calls it a "brutal and premeditated murder." Its sentences are:—

1. Sentences of death by hanging on four of the villagers.

2. Sentences of penal servitude for life on two of the villagers. *One of these, be it noted, was the husband of the woman shot.*

3. Sentence of fifteen years' penal servitude on one of the villagers.

4. Sentences of seven years' penal servitude on six of the villagers.

5. Sentences of one year's imprisonment with hard labour and 50 lashes on three of the villagers.

6. Sentences of fifty lashes on five of the villagers.

As to the Executions.

With regard to the circumstances of the executions and in connection with Sir Edward Grey's statements regarding them, I give the following abridged translation from the *Journal du Caire*, an old-established paper edited in French, and far from unfavourable to the present *régime* in Egypt. That journal's special correspondent writes:—

"Here we see the Middle Age punishments as the order of the day, gallows, pillory, iron collar, judge, executioner, torturer—nothing wanting but the wheel, the pale, and the stake for burning—nor indeed are we by any means sure that in the Modern Spirit certain persons do not regret the abolition of torture, and of the sanctions of inquisitorial tribunals to strike terror into these unfortunate fellahs not deserving pity but rather the gibbet.

"Denshawai is a poor village—a heap of cinder-like earth hidden amongst reeds beneath the shade of a few palm-trees. At the corners of all its dilapidated huts rise cones of unbaked

brick several metres in height, the homes of those famous pigeons supposed to be wild—of which not a single one remains away longer than half a day from the roof under which it was hatched.

"The agricultural road skirts the village from East to West, and is the boundary of the threshing-floors where the cattle go round threshing the corn. Close by, a cemetery of tombs all of like form and in regular lines betokens respect for the dead and reverence for their memory. Far off—very far away—there stretches a vast plain, green with the cotton plants, golden-yellow with the straw of the corn crop, gray where these have been reaped, a fertile plain where the sun's rays lose themselves in the vibrations of an overheated atmosphere clothing the soil with the romance of a restless mirage.

"Under the shade of those heaps of dry earth swarms a whole population of human beings, ignorant of the needs, the customs, and law of civilised peoples. They know that the village watchmen are paid to protect their property, and the sergeants of rural police to prevent quarrels with the neighbouring villages; their imagination hardly realises railways, or, indeed, any machine beyond their water-wheels, yet, for my part, I believe that even wireless telegraphy would not astonish them.

"Nevertheless it is accepted that such people may be at times a danger for governments and a cause of anxiety for the Army of Occupation which they might assail with stones and staves. It will be attempted to make them understand that it is needless to take hats, helmets, or coats for signs of Western savagery, it will be attempted to get them to eat, drink, and sleep, with no other thought than that of security and safety—guaranteed to them in return for their strangled liberty.

"The village has known for two days the doom which is

to strike those guilty of insurrection. From early morning patrols of English soldiers come and go along the dusty road which rolls out its ten kilometres from the railway station, and which cuts into two portions the canal which fertilizes the land. Soon some wagons stop in front of the enclosure, scaffoldings of wood are erected, tents are pitched, ropes are set out, watchmen arrive from all directions, police assemble in numbers and give orders, high personages converse circumspectly, cavalry stir up clouds of dust, range themselves in the fields, and form square around an enclosure in the open air.

"In the midst stands a gigantic scaffolding, twenty to thirty feet in height. A staircase of a dozen steps leads up to the platform of two square metres; two arms are raised and cross one another towards the sky to fix the gallows where is fastened a brand new rope, strong enough to tie up an elephant. Very near it a second smaller cord is coiled round a pulley, and will serve to pull up the hanged persons. The roofs of the huts are crowded with moaning women; they utter cries of terror at the sight of this apparatus for the executions. Moreover, the gallows flaunts its crossbeams at twenty paces from the threshing-floors where the straw still smokes from the remains of a fire, its scaffolding is in view from all the neighbouring villages, groups of people stand still at great distances both to watch the horror of the spectacle, and out of respect for the criminals who are to suffer.

"The sun is at its highest; it burns helmets and backs, the bayonets glitter in its fiery rays. The mudir gives the order summoning the first of the condemned, an old man of seventy, still hale, with white beard, who comes out of the tent without making a false step over the clods of earth which he treads down barefooted.

"Brought along between two soldiers with fixed bayonets, he listens to the sentence of death read out, his countenance

untroubled; with a firm step he walks to the scaffold and with equal steadiness mounts the steps. He places himself beneath the gallows opposite the village where for three-quarters of a century his life has passed in peace; he must recognise his wife, his children, his relations, who cry loudly while stretching out their arms towards him. He faints not; he utters a curse on the Omdeh who has betrayed him, on the people who have not defended him; he asserts his innocence, then turning to the executioner asks for the rope to put it round his neck.

"But already hands and feet are being bound, a leather belt is firmly fastened round the loins, the slip knot passed round the throat, the black hood drawn over the head; at a sign from the executioner the assistants stand aside, the hangman works a lever, the trap suddenly opens, the body falls straight into space, the cord is checked with a jerk, a dull crack of dislocated bones, and the executed criminal turns round and round on himself as moves a suspended beam now to the right, now to the left, until the point of immobility is reached.

"The bystanders consider in silence the sinister aspect of this tragic end; hearts stop beating; the executioners leave no time for eyes to moisten. On a cross solidly constructed at fifteen paces from the gibbet they are preparing the punishment of flagellation. The first sufferer strips to the waist, passes his head in the iron collar, stretches out his arms, which they bind to the cross, and on his bare torso the kurbash descends rhythmically to the sound of the voice that counts the blows and of the cries of pain which each of them wrings from the sufferer; the bronzed skin tumefies, splits in places, the blood spurts; it is sickening, horrible. The expiation finished, with great effort the fellah can stand upright.

"A second man succeeds him, who cries out still more desperately; the third one is literally contorted under the

lash; he loses consciousness, the doctor stops the flogging. Meanwhile the man hanged has given up the ghost. The small cord turns on its pulley and is fastened to the buckle of the leathern waist belt of the victim who is hauled up to take off the slip knot; they untie the feet and hands, and, on a litter brought by the assistants, they lay out the corpse to take it away to a tent provided with winding sheets and coffins.

"The village resounds with shrill cries; the women wave their veils as in madness, the men in their consternation are dumb, their eyes fixed on the murderous scaffolding.

"The second condemned follows with the same assured step as his predecessor. He is a vigorous type of man, his glance has no evil meaning, one would think well of him. He makes no reply to the sentence of death; he marches up the funereal stairs as if for a morning call; he looks beyond the black veils that are waving, not a word disturbs this terrible moment; the trap opens, the gallows creaks, the body twirls round and round; dogs and men howl at the death.

"Not a single contraction of the brows among the soldiers who are in attendance.

"The executions continue. The whip lashes the loins, the pain forces out cries, the same voice placidly counts the blows.

"A quite young man of eighteen years, innocent of eye, of countenance calmly beautiful, comes on between two bayonets to hear himself reproached for the crime his impulsive youth had led him to commit; death has no terrors for him. A victim doubtless unconscious (of any crime), he offers his neck with the same serenity that he might have offered an arm to his *fiancée*. No request for pardon; the bystanders become more silent, but a mist covers their eyes; the lad is launched into space; justice is satisfied.

"Torrents of imprecations mount to the skies, the police

can hardly restrain the crowd which surges out of the village. Order is gradually restored.

"The flogging goes remorselessly on, the new ropes redden as they lash into the flesh.

"The amateur photographers are pressing the buttons of their kodaks.

"They are waiting for the last condemned to death, the brigand.

"Though of a proud carriage there is nothing affected in his disdain. Needless to hold his hands or to support him, he walks with head erect to meet his end. He is praying.

"The name of God whom he invokes resounds over the heads of the soldiers as far as the village; the name of God is re-echoed again and again from the housetops and dove-cotes. At this moment the pigeons fly round wildly.

"The trap falls for the last time.

"The hangman sighs with satisfaction.

"Soon afterwards the crowd disperses slowly and in silence under the shadow of a lugubrious justice. Only the women, like hunted wolves, howl with rage and anguish.

"Civilisation has triumphed!"

Further particulars.

The Special Report sent me contains the following particulars as to Hassan Mahfuz, the first villager hanged, a man of seventy-five—seventy according to our reckoning:—

"His house was about 50 metres from the scaffolding. His hareem, daughters, sons, granddaughters, and their sons were standing on their housetop, where they could see their grandfather with his pure white beard, and he could see them easily in his place of execution. When his family first took sight of him drawing near the scaffold they wailed dismally. On hearing them he spoke out and said, "May God who is

the Sovereign of all creatures deal with you [? his judges] unjustly."

Of Ismail-el-Sisi, who was scourged, it says: "His back was turned towards the village in order to let the women who were then standing on their housetops see the flogging and its effects on a human body."

Of Yusuf Huseyn Selim, the second villager hanged, it says that in the hanging his legs were broken. "The women, who saw him from the housetops in such a lamentable state, resounded the air with their sorrowful cries."

Of Mohammed Gorbashi, the third flogged, it says: "Mohammed Gorbashi was then undressed, crucified, and flogged fifty lashes. He got maddened on receiving the twelfth. His voice was not well heard, for a soldier was ordered to press his head down in the opening of the cross.

Of Mohammed Derwish Zahran, the last hanged, it says: "He was taken to the gallows. On looking at his house he cried out, 'May God compensate us well for this world of meanness, for this world of injustice, for this world of cruelty.' The executioner had then put the rope round his neck and administered it wrongly. The condemned man was not strangled well, so he cried out, "Make haste, be quick!"

I understand from the Special Report that these extracts are to be found in an official report sent by the Mudir of Menoufieh to the Ministry of the Interior immediately after the executions. This, it is affirmed, was suppressed, and in its stead we find in the Blue Book a later but *undated* report prepared by Mr. Machell. Similarly I am told that a fresh report is being prepared for the Foreign Office of the evidence at the trial, in substitution for the original report received at the British Agency, but not forwarded.

Conclusions.

A few words of very plain speaking are necessary in conclusion. The history I have recorded is one of immense disgrace to the English name. Unless we, as a nation, are to forfeit all claim to civilised consideration, the whole nation must raise its voice and protest against the last astounding iniquity done at Denshawai. Somebody must be called to account for it.

Before this case was fully exposed to me I had indulged in a certain delusion, notwithstanding past cases which I knew, that influences were at work in Egypt or at the War Office in London, or possibly even in higher quarters stronger than Lord Cromer, all-powerful as he seemed to be, which he could not quite control, and that to these he had bowed when sharing with the General in command at Cairo the odium of extreme severities and the guilt of injustices where the Army of Occupation was concerned. Lord Cromer's conduct, however, on the present occasion, with its cynical defence of a case he cannot but know to be a judicial crime of the extremest, indeed of unprecedented turpitude—and still more the insincerity with which he has chosen to mask his own responsibility for what has been done by coming forward, as he does in the Blue Book, not in any garb of repentance or regret or self-excuse, but as the loyal defender of minor English officials, over whose action he has no authority, and whose conduct he generously vouchsafes to cover under the cloak of his own unimpeachable veracity—officials who had all the while been acting, perhaps unwillingly, under his orders ; all this, I say, has changed my view of Lord Cromer, and has convinced me that it is he, and none other, who must be called upon to defend himself before Parliament for his lapse from public virtue.

That it is a great lapse is certain. Lord Cromer is the foremost man in English public life. He has rendered immense services to his country. He has received its most lavish rewards. In the very week of the Denshawai executions he was decorated with the highest personal distinction a grateful King and country could bestow—the Royal Order of Merit. His fame is a European one; nay, one world-wide. He has been a great benefactor even to Egypt, the land he has sullied with this last mad act of violent oppression.

Yet, notwithstanding all this, it is clear he must be sacrificed unless the whole virtue of the nation is to vanish with him in a disgraceful smoke. I do not ask that Lord Cromer should be condemned or disgraced or recalled from Egypt without a full hearing. He may yet be able to tell us that, in spite of appearances, he is personally guiltless here, that his better judgment was imposed on by subordinates in Egypt, that he was obeying orders from his diplomatic chiefs at home, that he made a mistake of which he is ashamed. If he can do this, I shall, for my part, make him all the amends within my power in the way of apology and future praise. But, as things stand, the known facts are too terribly against him for any honest man with public courage not to denounce him, and not to demand that he should be cited to explain, or if explain he will not, then that he should leave to others the task of reparation for his crime, needed by the Egyptians he has wronged.

It is impossible to accept the *chose jugée* as his only answer. Yet that is all he has given us. Still less is it possible to accept as reparation his cynical suggestions of reform for the law of 1895. What are his proposed remedies?

1. *That the sentences pronounced should conform to the Egyptian Code?* With a packed Court, it will be always possible to show that sentences do not overstep that Code. Even the

Denshawai sentences of death were supposed to conform to it. Flogging would become impossible, but death sentences would probably be multiplied.

2. *That hangings should be in private*, not in public? I quite understand Lord Cromer should propose it, seeing what a storm the public hangings at Denshawai have raised about his ears in England. As a matter of fact, publicity is the only guarantee in Egypt against still more horrible abuses. It is no addition to the terror of death in an Egyptian fellah's mind that he should suffer under the eyes of his fellow-villagers and friends. As a Moslem his testimony to his faith pronounced publicly at the hour of death is always a notable consolation, and to deprive him of the opportunity would be equivalent to refusing to our condemned criminals the ministrations of the Christian clergy. Even in England, private executions are preferred far more because they spare our own highly civilised feelings than out of any compassion for the condemned. To be strangled privately in a prison yard by a hangman and the prison warders is a far more horrible ending than to be hanged, even before an angry crowd, in the open air.

3. *That there should be an appeal.* To whom? Lord Cromer's whole justification of the case is that the Tribunal of Shibin-el-Kom was "composed of the best judicial elements to be found in Egyyt." Mr. Bond, we may presume, was the very best English judge he could find there, yet we see the result. An appeal to the Cairo Court of Appeal might perhaps be one from "Philip drunk to Philip sober," but it would in practice be only from Mr. Bond, Judge of the special Tribunal, to Mr. Bond, Vice-President of the Court of Appeal. It could not be more. The Montaza case proves how faint-hearted the Appeal Judges are in political cases of this kind; how entirely Lord Cromer can rely on them.

Or does Lord Cromer perhaps mean that the supreme appellant judge should be himself?

No. All these suggestions are a sham. I say more. They are insult, and from his pen an outrage. There is only one remedy. The Decree of 1895 must be repealed, and the relations between Egyptians and the Army of Occupation put on a civilised footing. There is only one reparation. Lord Cromer must be compelled to explain himself—or, if he will not explain, he must be recalled from an official responsibility he has first honoured, but has now dishonoured in the face of the world as never responsibility was dishonoured.

Let us remember the Dreyfus case? Is there no Member of Parliament, no body of members, with sufficient courage to rise in their places, and say publicly of Lord Cromer, and of no other, "*J'accuse?*"

August, 1906.

The Gresham Press,
UNWIN BROTHERS, LIMITED,
WOKING AND LONDON.